

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVE M. MASSEY,

Plaintiff,

v.

Civil Case No. 18-12602
Honorable Linda V. Parker

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE’S
NOVEMBER 25, 2019 REPORT AND RECOMMENDATION [ECF NO. 29]
AND REMANDING ACTION**

On August 20, 2018, Plaintiff filed this lawsuit challenging the Commissioner of Social Security’s (“Commissioner”) final decision denying Plaintiff’s application for social security benefits under the Social Security Act. This Court referred the matter to Magistrate Judge Patricia T. Morris for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. §636(b)(1)(A) and/or a report and recommendation (“R&R”) on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). (ECF No. 2.) Plaintiff subsequently filed a motion for summary judgment and Defendant filed a motion for remand. (ECF Nos. 24, 26.) The parties agree that further administrative action is warranted.

On November 25, 2019, Magistrate Judge Patti issued an R&R recommending that this Court (i) grant Plaintiff's and Defendant's motions; (ii) vacate the Commissioner's final decision denying benefits; and (iii) remand the case pursuant to "sentence four" of 42 U.S.C. § 405(g). (ECF No. 29 at Pg. ID 741.) At the conclusion of the R&R, Magistrate Judge Patti advises the parties that they may object to and seek review of the R&R within 14 days of service upon them. (*Id.* at Pg. ID 745-46.) She further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.* at Pg. ID 745 (citing *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981)).) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Patti. The Court therefore adopts Magistrate Judge Patti's November 25, 2019 R&R.

Accordingly,

IT IS ORDERED that the R&R of Judge Patti (ECF No. 29) is **ACCEPTED** and **ADOPTED**;

IT IS FURTHER ORDERED that Plaintiff's motion for summary judgment (ECF No. 24) is **GRANTED**;

IT IS FURTHER ORDERED that Defendant's motion for remand (ECF No. 26) is **GRANTED**;

IT IS FURTHER ORDERED that Defendant's decision is **VACATED** and this action is **REMANDED** pursuant to "sentence four" of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

s/ Linda V. Parker

LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: December 18, 2019